IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 25722 of 2000

Between:

V.Bhaskara Rao, S/o.late Appalaswamy,
R/o.Alwar Veedhi, Bobbili, Vizianagaram District

..... PETITIONER

AND

1 The Corresopondent, Rajah R.S.R.K. Ranga Rao College,
Bobbili , Vizianagaram District.
2 The Commissioner of College Education,
Nampally, Hyderabad.
3 The Director of Higher Education, Hyderabad.
4 The Government of Andhra Pradesh,

Rep. by its Secretary, Higher Education,
Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more partiuclarly one in the nature of Writ Mandamus declaring the action of the respondents proposing to appoint an outsider in the Botany Department quite contrary to the rule of reservation (G.O.Ms.No.1302 Dt.10/08/1972) by removing the petitioner as lecturer in Botany without providing opportuntity is wholly illegal, arbitrary and contrary to G.O.Ms. No.1302 dt.10/08/1972 and opposed principles of natural Justice and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to follow the rule of reservation (G.O.Ms.No.1302 Dt.10/08/1972) in appointing Lecturer in Botany Department in the 1st respondent College by absorbing the petitioner.

Counsel for the Petitioner: MR. M.ADINARAYANA RAJU

Counsel for Respondent No.1: MR. K.BHASKARA RAO

Counsel for Respondents 2 to 4: GOVERNMENT PLEADER FOR HIGHER EDUCATION

The Court made the following ORDER:

Heard the learned Counsel appearing for both parties.

2. The learned Counsel for the petitioner submits that the petitioner was joined as a Lecturer in Botany on consolidated Pay during the academic year 1998-99 in the first respondent-College. Besides that, he was also teaching Botany subject to the students of I and II year Intermediate. He is also handling "Science and Civilization" subject for Degree students. The post is a substantive post and is under Grant-in-aid. But since 1994 only Junior Lecturer with consolidated Pay is handling Botany classes at Intermediate level. It is stated that his services have been dispensed with without any justification whatsoever with a view to appoint outsiders in the Botany Department as contrary to the rule of reservation in G.O.Ms.No.1302, dated 10-8-1972, by removing the services of the petitioner as a Lecturer in Botany without providing any opportunity. Questioning the said action, this writ petition is filed.

3. The first respondent filed a counter stating that the petitioner is working as part time Lecturer in Botany since
12-6-1998 on payment of consolidated salary of Rs.1,440/-. It is further stated that the permanent Lecturer in Botany was retired from service due to superannuation and in his vacancy, the petitioner has been appointed temporarily. The first respondent also addressed a letter dated 22-9-2000 to the Commissioner of College Education, Hyderabad, for filling up of Lecturer Posts in different disciplines due to superannuation. The second respondent vide his proceedings dated 4-7-1999 issued instructions to different colleges including the first respondent-College to fill up the vacant posts in order to clear the back log vacancies of the Scheduled Castes and the Scheduled Tribes. The second respondent sent another proceedings dated 20-11-2000 requesting this respondent to fill up one post of Lecturer in English, one post of Lecturer in Botany and one post of Lecturer in Commerce. It is stated that as

the first respondent-College has to comply the said directions of the second respondent, the services of the petitioner is sought to be removed with a view to follow the rule of reservation alone.

4. On the other hand, the learned Counsel for the petitioner submits that in fact the first respondent-College addressed a letter dated 12-4-2002 to the Director of Collegiate Education, requesting regularization of the services of the petitioner. It is stated in the said letter that the petitioner passed M.Sc., with 57.2% of marks and the Management appointed him during the academic year 1998 on adhoc basis in the existing clear vacancy and the petitioner is eligible and qualified to hold the post of Lecturer in Botany and therefore, necessary orders may be issued for his absorption against aided vacancy duly relaxing the selection procedure in his favour.

5. The petitioner is continued in service pursuant to the interim directions of this Court granted in W.P.M.P.No.32793 of 2000, dated 27-12-2000. The learned Counsel appearing for the petitioner brought to my notice that the Government of Andhra Pradesh issued G.O.Ms.No.160, Higher Education (CE.II.2) Department, dated 16-2-2001, G.O.Ms.No.980, Higher Education (CD.II.1) Department, dated 15-12-2000 etc., relaxing the selection procedure, ratified the selection made by the respective colleges in the Grant-in-aid posts for the purpose of absorbing them in Grant-in-aid vacancy.

6. Having regard to the facts and circumstances and in view of the recommendations made by the first respondent vide its Letter No.6/2002-03, dated 12-4-2002, addressed to the Director of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad, I am of the view that it is just and proper to direct the third respondent to consider the case of the petitioner in the light of the aforesaid letter of the first respondent dated
12-4-2002 to relax the selection procedure for his absorption in the aided vacancy.

7. Accordingly, the writ petitioner is directed to file a representation before the fourth respondent within two weeks from the date of receipt of a copy of this order and on filing such representation, the fourth respondent may consider the said representation keeping in view of the recommendation of the college and the aforesaid G.Os, and pass appropriate orders thereon within six weeks thereafter. In the meanwhile, the interim direction granted by this Court dated 27-12-2000 in W.P.M.P.No.32793 of 2000, shall continue.

9. The writ petition is disposed of accordingly. No order as to costs.

_____

(V.ESWARAIAH, J)

Dated: 11th October, 2004.

Ak/Shr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Correspondent, Rajah R.S.R.K. Ranga Rao College,

Bobbili, Vizianagaram District.

2. The Commissioner of College Education, Nampally, Hyderabad.

3. The Director of Higher Education, Hyderabad.

4. The Secretary, Higher Education, Government of Andhra

Pradesh, Secretariat Buildings, Hyderabad.

5. Two CCs to the Government Pleader for Higher Education,

High Court Buildings, Hyderabad (O.U.T).

6. Two CD copies.